

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

April 30, 2009

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No. 08-50816  
Conference Calendar

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Charles R. Fulbruge III  
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

LAQUINCE THOMAS, also known as La-Quince De-France Thomas

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 1:03-CR-270-ALL

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Before JONES, Chief Judge, and JOLLY and ELROD, Circuit Judges.

PER CURIAM:\*

Laquince Thomas appeals the 24-month sentence imposed by the district court following the revocation of his supervised release. He argues that the sentence, which was the maximum allowed by statute and was above the suggested range set forth by the Sentencing Guidelines, was greater than necessary to achieve the sentencing goals of 18 U.S.C. § 3553. Thomas's sentence will be affirmed if it is neither unreasonable nor plainly unreasonable.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

*See United States v. McKinney*, 520 F.3d 425, 428 (5th Cir. 2008); *United States v. Hinson*, 429 F.3d 114, 120 (5th Cir. 2005).

In less than 18 months of supervised release, Thomas had multiple positive drug tests, failed two attempts at drug rehabilitation, and was arrested on three occasions. During his latest arrest, officers had to use a taser and pepper spray to bring him under control. In addition, the district court appropriately focused on Thomas's unabated drug addiction and the ineffectiveness of non-prison sanctions in treating that addiction. The sentence was neither unreasonable nor plainly unreasonable.

AFFIRMED.